

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) No. 03 MDL 1570 (GBD/SN)
)

**NOTICE OF FILING OF MEDICAL REPORT OF
DEFENDANT DR. ABDULLAH AL-TURKI'S PHYSICIAN**

Defendant Dr. Abdullah Al-Turki, through counsel, respectfully submits his physician's medical report. *See* Medical Evaluation by Dr. Suleiman M. Harabsheh (July 16, 2018). Since the Medical Evaluation contains confidential medical information about Dr. Al-Turki, his counsel are filing a separate Motion for Leave to File Under Seal.

This Court's Order stated that if Dr. Al-Turki "is currently incapacitated, that defendant may submit a competent sworn or affirmed certification from a qualified treating physician..." *See* Order, at 17 (ECF 4043) (July 6, 2018). Here, however, Dr. Al-Turki (in contrast to Dr. Naseef), is not "currently incapacitated" but instead is unable to travel outside his country due to his health conditions, as his treating physician specifically advised him. Therefore, Dr. Al-Turki was not required to file a report from his treating physician, since his counsel was able to obtain a sworn declaration directly from Dr. Al-Turki. Plaintiffs, however, without any factual basis, are unwilling to accept Dr. Al-Turki's own representations about the medical advice he has received. *See* Letter Brief (ECF 4088) (Aug. 8, 2018). While plaintiffs' speculations should not create any obligation for Dr. Al-Turki to be required to obtain a medical certification under the Court's Order, counsel for Dr. Al-Turki nevertheless is providing this Court with the medical report, which provides additional information on his health status and confirms his inability to travel outside his country for a deposition.

Counsel submits that this should be dispositive of the issue; plaintiffs can obtain

whatever testimony they are entitled to without creating further health risk for a man of advanced years. That is the whole purpose of allowing video depositions (as well as saving costs), which the Deposition Protocol specifically contemplates.

Respectfully submitted,

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